



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,900	11/23/2001	Parag Gokhale	4982/23	3389

29858 7590 09/12/2003

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP
900 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,900

Applicant(s)

GOKHALE ET AL.

Examiner

Susan Y Chen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 - 20 are presented for examination.

Drawings

2. The drawings are objected to because of the following informalities: for example, Fig. 2, step 32, a typo error – “AMD”; Fig. 3B, the indication of yes or no is missing after the evaluation of step 86, and the contents of Fig. 6 and 7 are unrecognizable, etc. The Applicant is requested to verify and fix all possible errors. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicants may become aware in the specification. Also, It is noted that although the present application contains line numbers in the specification and claims. Furthermore, the instant disclosure does not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Objections

Claim 3 is objected to because of the following informalities: the dependency of this claim is mistyped, in stead of depending on "3", it should depend on claim 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20, are rejected under 35 U.S.C. 102(b) as being anticipated by Crouse et al. (U.S. Patent No. 5,764,972).

As to claim 12, Crouse et al. [hereinafter referred as Crouse] discloses a system [Abstract, Fig. 2] for scheduling an export (or removing) of one or more storage media from a storage library, the system comprising:

a) a user interface [e.g., the network file interface (34) running on user node (10), Fig. 2] for receiving export identification data including the data to identify one or more media [e.g., the media type, volume serial Name, location and access attributes at col.

Art Unit: 2171

15, line 58 – Col. 16, line 5] from the library to be scheduled [e.g., the life Span attribute at Col. 15, line 34] and exported [see the automatic migration of remote files from on-line storage 46 to archive media 48 for backup processing, Col. 15, lines 1 – 30] ;

b) a data file stored in a memory device for storing the export identification data [e.g., the Removable Media Reserved File 194, Fig. 9; col. 19, lines 37-51] ;

c) a task control subsystem [e.g. the AFS Control Program (40), Fig. 2] for retrieving [e.g. via the Scan module 192, Fig. 9] the export identification data from the data file and controlling the library to cause the export of the selected media [col. 20, lines 14-39].

As to claims 13-14, except all the above, Crouse further discloses that the user interface is configured to allow a user to specify one or more media to be exported by one or more respective media identifiers/criteria [e.g., see col. 15, lines 3-49] and store the specified media identifier/criteria [e.g., col. 19, lines 37-51].

As to claim 15, except all the above, Crouse further discloses that the task control subsystem comprises an evaluator [e.g. the AR module 184, Fig. 9] to evaluate the stored criteria to determine which one or more media in the library satisfy the specified one or more criteria [col. 22, lines 8-27].

As to claim 16, except all the above, Crouse further discloses that system having an export history data file which containing a field associated with each media indicating

Art Unit: 2171

the status of the export of the media [e.g. see the Archive Status field of the table between col. 21- col. 22],

As to claim 17, Crouse further discloses that the user interface is configured to allow a user to specify a specific event following which the media is to be exported [e.g., if the system user specifies the life span for a remote file, once the life span is exhausted, the file is eligible for termination when the media space is needed [Fig. 14d, col. 22, lines 55-64].

As to claims 1-11 and 18-20, these claims recited similar features as cited in claims 12-17, in form of method or computer readable medium, hence are rejected for the same reason.

Conclusion

5. To expedite the process of examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Klein et al. (U.S. Patent No. 5,499,364) which disclosed a

Art Unit: 2171

distributed computation system has a set of agents that perform each specified distributed task, by using state transition events to optimize message flows between agents.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-6296.

UYEN LE
PRIMARY EXAMINER
AU 2171

Susan Chen

September 6, 2003